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C O N F I D E N T I A L SECTION 01 OF 04 LJUBLJANA 000385

SIPDIS

DEPT FOR EUR/FO DAS QUANRUD AND DAS JONES, EUR/CE AND  
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TAGS: [PGOV](#) [PREL](#) [EUN](#) [NATO](#) [MARR](#) [HR](#) [SI](#)

SUBJECT: PUTTING U.S.-SLOVENIA RELATIONS BACK ON TRACK

Classified By: CDA Brad Freden, E.O. 12958, reasons 1.4(b) and (d)

#### SUMMARY

1.(C) CDA requested a meeting with Foreign Minister Samuel Zbogar on December 17 to review developments from 2009 and discuss priorities for 2010, with an eye toward arresting the perceived "drift" in U.S.-Slovenian relations. Both agreed that the dispute with Croatia over the border and Croatia's EU accession had overshadowed other bilateral issues in 2009.

When Zbogar asked what substantively Slovenia could do to secure a meeting for Prime Minister Pahor with President Obama, CDA used the opportunity to convey to the FM that Slovenia could do more on Afghanistan and Guantanamo detainee resettlement if it wants to attract higher-level attention from Washington. Zbogar was confident that Slovenia would deploy an OMLT in 2010 and outlined the government's plans for reconstruction projects in Afghanistan. On detainees, both agreed that current law made it difficult for Slovenia to accept detainees; a strong push from the Prime Minister, including possible legislation, would be necessary to overcome the obstacles. Regarding the Slovenia-Croatia border dispute and Croatia's EU accession negotiations, CDA asked for Zbogar's commitment that the MFA will do all it can to ensure that both processes move along as expeditiously as possible. Zbogar felt the arbitration agreement would survive ratification and a referendum. The FM asked for Washington's understanding that the GoS needed more time to conduct due diligence on technical issues relating to Croatia's currently unopened accession negotiation chapters before it could go to Parliament for its review.

2.(C) CDA acknowledged Slovenia's continued support for U.S. policy in the Western Balkans, especially in BiH, and its efforts to keep the European Union and NATO focused on the integration of these states into Euro-Atlantic institutions. Zbogar asked for close bilateral consultation, as Ljubljana plans to increase its engagement in BiH next year. The FM stressed the importance of ensuring that the Bosniaks were not left feeling abandoned by the current process. Finally, Zbogar said that PM Pahor's government is taking heat over the continued lack of a U.S. Ambassador in Ljubljana. CDA assured Zbogar that the process of selecting a career ambassador was moving forward, and the State Department was fast-tracking its part of the process. End summary.

ZBOGAR ON ARBITRATION AGREEMENT, CROATIA'S EU ACCESSION  
NEGOTIATIONS

3.(C) FM Zbogar opened by providing CDA with an update on where the arbitration agreement with Croatia currently stood in Slovenia. According to Zbogar, the GoS has provided the Constitutional Court with all of the documents it requested to continue its review of the arbitration agreement's constitutionality. Zbogar was hopeful that the Court would render its decision by the end of January, but he conceded that it was not possible to be certain of the exact timing at this point. The FM was confident that the Court would not find the agreement unconstitutional. However, Zbogar said that he believed the question of whether a two-thirds majority was required for ratification would come to the forefront. The FM explained that he personally felt that such a majority was unnecessary, as the trans-border cooperation agreement with Croatia adopted several years before was passed with a simple majority.

4.(C) Once the Court delivers its ruling on constitutionality, Zbogar explained that the arbitration agreement would go to a referendum. Based on his recent conversations with members of the Slovenian public, the FM said he felt there currently was good support for the agreement, as most Slovenians "just wanted move on." Zbogar was confident that the referendum would have a positive outcome. He believes the government has the momentum right now to push the agreement through, but it will need to ensure that supporters turn out in sufficiently large numbers.

5.(C) Zbogar dismissed opposition leader Janez Jansa's recent strong statements against the agreement as part of Jansa's overall strategy to attack Pahor's government on all fronts,

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calling the current political climate a "very poisoned atmosphere." Zbogar explained that he believed it would be hard for Jansa to keep quiet, because PM Pahor has staked his government's survival on successful ratification. Zbogar lamented the fact that our engagement with Jansa has not stopped him from speaking out publicly against the agreement, to which CDA noted our intent to remain quietly engaged with Jansa and his party.

6.(C) Regarding the negotiations on Croatia's EU accession process, Zbogar underscored that Slovenia was not posing a new blockade, but simply needed more time to work out the technical issues surrounding the remaining unopened chapters. Zbogar noted that Slovenia has worked hard to open 16 chapters in two months, which the FM admitted was a large amount of material for the relevant parliamentary committee to digest in such a short period. Because the government did not actively work on the currently unopened chapters during the blockade, it now has to do all of the technical groundwork before formally going to the Committee, as is required by Slovenian law before any chapter can be opened or closed.

7.(C) The FM offered that the government is trying to avoid a situation where Parliament feels it is being rushed and forced to act on the remaining chapters. Zbogar is concerned that parliamentarians will equate the government's urgency to outside pressure from both the U.S. and European Union. Such a perception would ultimately not be helpful, according to the FM. Zbogar told CDA that the GoS needed "to let Parliament know (they) are taking time to defend (Slovenia's) interests." At the end of the day, it is in Slovenia's best interests for Croatia to complete its accession negotiations as soon as possible, because only then will the arbitration tribunal be able to formally start its work. Zbogar was confident that at least two of the three chapters (13, 27 and 31) could be opened at the next IGC in January.

ZBOGAR ON BiH AND THE BUTMIR PROCESS

8.(C) CDA told FM Zbogar that we would welcome more-frequent consultations with Slovenia on the Western Balkans. Slovenia has a unique insider's perspective and can help Brussels keep

its focus on the region. Zbogar responded that Slovenia is planning to ratchet up its engagement in this area in 2010. He noted that Slovenia had come out more forcefully on BiH's NATO Membership Action Plan (MAP) than had the U.S. Zbogar said that Ljubljana felt that NATO should have offered BiH an invitation to join MAP at the December NATO ministerial. Slovenia is convinced that it is critical to send a strong message on territorial integrity to BiH as the presidential campaign looms. It is also important for NATO allies to consider what can be realistically achieved in BiH by the time of the April ministerial. Zbogar said that Slovenia hoped to see BiH join MAP at that time.

9.(C) Zbogar was somewhat critical of the message that has come out of the Butmir process. He explained that the decision to continue moving forward on trying war crimes but not organized crime was perceived by the Bosniaks as a concession to Dodik. Zbogar explained it was important to give the Bosniaks something like MAP to show that the international community's commitment to BiH's territorial integrity is more than just rhetoric. Visa liberalization has to happen at the beginning of the Spanish presidency. The EU can send a strong message to the Bosniaks prior to the elections by doing this, according to the FM, and Slovenia plans to push the EU members to move forward on the visa issue.

10.(C) Slovenia also plans to dispatch additional advisors to BiH to maintain an open bilateral dialogue. Zbogar said that he has been to BiH twice in recent weeks, and that he feels the Bosniaks have really opened up to the Slovenes. The FM explained that the Bosniaks have provided the Slovenian delegation with their frank thoughts on how they interpret the Butmir process. As a result of this information, Slovenia is skeptical about the prospects for success in the short term. The Spanish are trying to restart Butmir in February, but the window for progress will close shortly

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thereafter. Zbogar fears that the Bosniaks will radicalize if they start to believe that they are being left behind. Butmir simply gave too much to Dodik, according to Zbogar. The FM said Slovenia wants to work closely with BiH, and that consultations with the U.S. would be very useful for this process. CDA agreed that this was a good area for further cooperation, and suggested that the January visit of MFA Western Balkans Coordinator Vojko Volk could be the start of a series of more structured semi-annual talks.

#### GUANTANAMO

11.(C) CDA took the opportunity to request again that Slovenia consider resettling Guantanamo detainees. Zbogar told CDA that he has spoken to Interior Minister Kresal about this, and understood as a result of their conversation that there is currently no legal basis for Slovenia to accept a detainee. Zbogar underscored that accepting detainees was not a decision for the government to make, as the law simply would not allow for it. CDA told FM Zbogar that the United States needed Slovenia's help, and suggested that legislation might be an option if the laws were indeed as restrictive as the Ministry of Interior portrayed them. Our experience with other countries that have accepted detainees indicates that "where there is a will, there is a way." CDA noted Slovenia's Interior Minister was not alone in her skepticism; this has generally been the case across Europe. Zbogar and CDA agreed that a strong push from the Prime Minister's office would be required in order to succeed. (Note: CDA will discuss Guantanamo with the Prime Minister's foreign policy advisor on December 22. End note.)

#### AFGHANISTAN

12.(C) Zbogar told CDA that he was confident Slovenia would deploy an Operational Mentoring and Liaison Team (OMLT) to Afghanistan in 2010. The FM had testified the same day with

Defense Minister Jelusic in front of Parliament's Defense Committee, where he reaffirmed the U.S. message that the situation in Afghanistan was getting worse and that NATO member states needed to do more to stabilize the country. Zbogar noted to CDA the challenges the government faced in selling the deployment to Parliament, but was also glad to report that even the skeptics among the MPs admitted that they finally understood the urgency of the mission. As a result, the Committee agreed to the deployment, with only the proviso that the government provide a detailed status report in one year. At that time, Parliament will reevaluate Slovenia's deployment. In the meantime, Zbogar said the government needed a proactive public diplomacy strategy, to which CDA responded with an offer to assist. The government also presented its plans to move forward with two civilian reconstruction projects that will focus on the vaccination of nomadic family animals and establish a cooperative program with the Agricultural University of Herat. CDA thanked Slovenia for their commitment, which involved not only an increase in the number of Slovene troops deployed in Afghanistan, but also a qualitative change in their mission.

#### BILATERAL RELATIONS IN 2009: RUNNING JUST TO STAY IN PLACE

13.(C) FM Zbogar told CDA that while he personally understood the ambassadorial selection process in Washington very well, others in Slovenia, especially parliamentarians, did not. Zbogar said the question of why the United States has yet to send an ambassador to Ljubljana came up in Parliament during a recent session. Some MPs have been very critical of the delay, noting that not having an American ambassador was reflective of PM Pahor's government and its abilities, or, rather, the lack thereof. Zbogar added that this was the second time in the past several years that there has been a significant gap between U.S. Ambassadors, and the government is taking political "heat" as a result. CDA assured the FM that the Department was fast-tracking the process to fill the position as soon as possible with a career diplomat. Zbogar responded that the timely dispatch of an ambassador would send a positive signal regarding the bilateral relationship. The FM noted his concern that Washington saw Slovenia as "the problem" behind the deadlock in 2009 over the border issue and Croatia's EU accession. Zbogar said that Washington's

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policy was perceived within some parts of the GoS as overly-focused on helping Croatian PM Kosor push the arbitration agreement through her parliament. CDA reassured Zbogar that Washington's policy was not to support either side, but to support a bilateral solution that benefits both sides.

#### COMMENT

14.(C) The lack of an ambassador in Ljubljana is a perception problem that will soon be resolved. The real reason for the drift in U.S.-Slovenian relations in 2009 was the border dispute with Zagreb and concomitant blockade of Croatia's EU accession talks. The dispute quickly became Washington's top bilateral priority, eclipsing other issues on the agenda. On the Slovenian side, it left the GoS with no appetite for other potentially-controversial foreign policy issues. With Croatia's accession talks back in session and the border dispute on its way to resolution, Slovenia is once again ready to engage with us on a wide spectrum of issues, from the Western Balkans to Afghanistan to Guantanamo. We can almost guarantee that there will be bumps on the road to ratification of the arbitration agreement -- opposition leader Janez Jansa is still a potential spoiler -- but the difference now is that the government seems to have regained its confidence. On the other hand, the GoS' top bilateral priority -- a meeting between PM Pahor and President Obama -- may be out of reach, even if they do everything we ask of them. One of our major tasks in 2010 will therefore be to manage expectations. End comment.

